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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,040	03/30/2001	Kelly Ervin Sonderegger	062070-0311750	5143

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
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MCLEAN, VA 22102

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/821,040

Applicant(s)

SONDEREGGER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 30 May 2007 has been entered.

Response to Amendment

The Applicant amended claims 1-10 and 18-23. Claims 11-17 were canceled. All pending claims 10 and 18-23 were examined in this non-final office action.

Response to Arguments

Applicant's arguments, see Remarks, filed 30 May 2007, with respect to the rejection(s) of claim(s) 1-10 and 18-23 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brody under 35 USC 103. Response to arguments are treated below.

NOTE: Claims 21-23 have an expressly claimed selection feature for each anonymity option wherein the respective anonymity data for name, credit card,

and delivery address are separately communicated to the respective information brokers. The combination of claim elements in claim 21 have merit and may distinguish claim 21 from the prior art cited and prior art searched to date. The Examiner is suggesting the Applicant consider a telephone interview for further discussion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 19, and 20 are rejected under 35 USC 103(a) as being unpatentable over Brody (Paper #5, US 2001/0029485).

Brody teaches a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; paragraph 0002 through paragraph 0010). Brody teaches a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody teaches an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile

data. Brody teaches an information broker- the system existing as a branch of any affiliated bank to facilitate transaction processing (see 0028), and further discloses the consumer establishing an agent relationship with the systems of the Brody invention (see 0090). Brody further teaches:

- displaying an anonymous shopper interface concurrently with a transaction interface, the transaction interface associated with a merchant and including an order form for an on-line transaction,

module written and installed on the merchant's web server interoperates with the merchant's e-commerce application (i.e. transaction interface) to facilitate the use of an anonymous card (see 0048, para lines 1-4); when a consumer opts to make a transaction with the merchant the consumer can select, via a graphical user interface, to make an anonymous credit payment (i.e. anonymous shopper interface) (see 0048, para lines 4-7); upon selecting, a new window opens with the URL to the anonymous transaction server (ATS), the new window opens is the ATS login screen which requires the consumer to login, verify the charge amount, select a payment method, and approve the transaction (i.e. anonymous shopper interface) (see 0048, para lines 7-14). Although Brody discloses does not mention displaying the anonymous shopper interface concurrently with a transaction interface, Brody further discloses the anonymous shopper interface may be implemented through the use of an applet or pop-up payment panel incorporated into web pages to make them interactive. It

would have been obvious to one of ordinary skill in the art at time the invention was made that an applet or pop-up window is displayed concurrently with an active web page overlaying the active window.

the anonymous shopper interface associated with at least one information broker and providing a user with a plurality of anonymity options for the user to anonymously initiate the on-line transaction; the ATS serves as the at least one information broker (i.e. entity other than the merchant); regarding use of the anonymous shopping interface, the consumer can in advance of making a purchase transaction with the merchant, pre-register with the information broker (i.e. ATS) (see 0045), or the merchant can offer the anonymous shopper interface as a service to the consumer (see 0046). Regardless, the ATS provides the consumer with anonymity options (see immediately below).

- communicating to the information broker, a selection of at least one of the anonymity options by the user, the ATS provides anonymity options to the consumer; because pseudo-random attributes are transmitted to the merchant, the transaction between the consumer and merchant will be anonymous. Pseudo-random attributes include the card number, name, billing zip code, expiration date, and purchase amount, each of which can be used singularly or in combination to authenticate a transaction according to consumer preferences, which are captured when the consumer establishes the agent relationship with system of the present invention (see Fig. 2; 0009; 0037).

- receiving from the information broker, anonymous data generated by the information broker, the generated anonymous data based on the selected anonymity option and linked to a profile associated with the user; and
merchant receives information broker (ATS) generated data that keeps the consumer's true data a secret from the merchant; the ATS pseudo-random numbers are generated based on the consumer's profile (see at least 0009; 0050);
anonymous address associated with a delivery service, including a code associated with user's delivery address teaches consumer data (i.e. a profile) stored by the ATS comprising name, credit card number, expiration date, billing zip code, address, social security number, and telephone number to establish the consumer's identity within the ATS, converting consumer data into pseudo-random numbers, and further teaches the ATS providing the anonymous data to the merchant after the merchant requests the consumer's credit card number, name and shipping address (see at least 0041 and 0045).
- populating without user interaction, at least one field of the order form with the received anonymous data, wherein the user anonymously initiates the on-line transaction with the merchant using the populated order form.
after a consumer selects goods or services to purchase from the network, the consumer can obtain an anonymous credit card, and proceed

through the steps indicated by blocks 65, 70, 75, 80, and 85 of FIG. 3, or the process may be streamlined such that the ATS automatically receives the transaction information directly from the merchant (see 0050);

Additionally, a cookie located on the consumer computer is used to update or provide the merchant with requisite ATS information, such as the ATS's URL, for transaction processing, such that the entire transaction between the merchant and ATS is facilitated through communications which are virtually invisible to the consumer (see 0047).

- wherein the generated anonymous data includes a single use transaction number that is associated with the user's credit card account.

a card can be configured so that each card number can only be used for one transaction, thus creating in essence a single use credit card. Thus, even if the anonymous card attributes were intercepted by a third party during a transaction, the third party would be unable to use the anonymous card, due to the card being active for only one use (see 0039).

Alternatively, a card could also be configured so that only a specific number of transactions per month, week or day would be allowed (see 0039).

- wherein the generated anonymous data includes an alias name that substitutes for the user's legal name.

Art Unit: 3625

Pseudo-random attributes include the consumer's name (see at least abstract; 0009; 0037). Please note: pseudo-random attribute serves the same function as an alias for the consumer's true identity.

2. Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Brody (Paper #5, patent application publication 2001/0029485), in view of Official Notice (regarding old and well-known, prior art submitted as evidence in Paper #20060417).

Brody teaches all the above as noted under the 103(a) rejection and teaches pop-up panels serving as a transaction interface and suggests the pop-up panel being concurrently displayed with the graphical user interface, but does not disclose displaying the anonymous transaction interface whenever the browser is displayed. The Examiner takes the position that it is old and well-known in the arts to display panels such as toolbars concurrently and persistently in web browsers or other types of graphical user interfaces to provide application selection convenience for the user. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Brody to implement toolbars for application selection as taught by Official Notice, in order to provide a user convenience.

3. Claims 21-23 are rejected under 35 USC 103(a) as being unpatentable over Brody (Paper #5, US 2001/0029485).

Brody teaches a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; paragraph 0002 through paragraph 0010). Brody teaches a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010).

Brody teaches an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody teaches an information broker- the system existing as a branch of any affiliated bank to facilitate transaction processing (see 0028), and further discloses the consumer establishing an agent relationship with the systems of the Brody invention (see 0090). Brody further teaches:

- displaying an anonymous shopper interface concurrently with a transaction interface, the transaction interface associated with a merchant and including an order form for an on-line transaction,

module written and installed on the merchant's web server interoperates with the merchant's e-commerce application (i.e. transaction interface) to facilitate the use of an anonymous card (see 0048, para lines 1-4); when a consumer opts to make a transaction with the merchant the consumer can select, via a graphical user interface, to make an anonymous credit

payment (i.e. anonymous shopper interface) (see 0048, para lines 4-7); upon selecting, a new window opens with the URL to the anonymous transaction server (ATS), the new window opens is the ATS login screen which requires the consumer to login, verify the charge amount, select a payment method, and approve the transaction (i.e. anonymous shopper interface) (see 0048, para lines 7-14). Although Brody discloses does not mention displaying the anonymous shopper interface concurrently with a transaction interface, Brody further discloses the anonymous shopper interface may be implemented through the use of an applet or pop-up payment panel incorporated into web pages to make them interactive. It would have been obvious to one of ordinary skill in the art at time the invention was made that an applet or pop-up window is displayed concurrently with an active web page overlaying the active window.

the anonymous shopper interface associated with at least one information broker and providing a user with a plurality of anonymity options for the user to anonymously initiate the on-line transaction; the ATS serves as the at least one information broker (i.e. entity other than the merchant); regarding use of the anonymous shopping interface, the consumer can in advance of making a purchase transaction with the merchant, pre-register with the information broker (i.e. ATS) (see 0045), or the merchant can offer the anonymous shopper interface as a service to the consumer (see

0046). Regardless, the ATS provides the consumer with anonymity options (see immediately below).

- communicating to the information broker, a selection of at least one of the anonymity options by the user, the ATS provides anonymity options to the consumer; because pseudo-random attributes are transmitted to the merchant, the transaction between the consumer and merchant will be anonymous. Pseudo-random attributes include the card number, name, billing zip code, expiration date, and purchase amount, each of which can be used singularly or in combination to authenticate a transaction according to consumer preferences, which are captured when the consumer establishes the agent relationship with system of the present invention (see Fig. 2; 0009; 0037).
- receiving from the information broker, anonymous data generated by the information broker, the generated anonymous data based on the selected anonymity option and linked to a profile associated with the user; and merchant receives information broker (ATS) generated data that keeps the consumer's true data a secret from the merchant; the ATS pseudo-random numbers are generated based on the consumer's profile (see at least 0009; 0050);
anonymous address associated with a delivery service, including a code associated with user's delivery address teaches consumer data (i.e. a profile) stored by the ATS comprising name, credit card number,

expiration date, billing zip code, address, social security number, and telephone number to establish the consumer's identity within the ATS, converting consumer data into pseudo-random numbers, and further teaches the ATS providing the anonymous data to the merchant after the merchant requests the consumer's credit card number, name and shipping address (see at least 0041 and 0045).

- populating without user interaction, at least one field of the order form with the received anonymous data, wherein the user anonymously initiates the on-line transaction with the merchant using the populated order form.

after a consumer selects goods or services to purchase from the network, the consumer can obtain an anonymous credit card, and proceed through the steps indicated by blocks 65, 70, 75, 80, and 85 of FIG. 3, or the process may be streamlined such that the ATS automatically receives the transaction information directly from the merchant (see 0050);

Additionally, a cookie located on the consumer computer is used to update or provide the merchant with requisite ATS information, such as the ATS's URL, for transaction processing, such that the entire transaction between the merchant and ATS is facilitated through communications which are virtually invisible to the consumer (see 0047).

- wherein the generated anonymous data includes a single use transaction number that is associated with the user's credit card account.

a card can be configured so that each card number can only be used for one transaction, thus creating in essence a single use credit card. Thus, even if the anonymous card attributes were intercepted by a third party during a transaction, the third party would be unable to use the anonymous card, due to the card being active for only one use (see 0039). Alternatively, a card could also be configured so that only a specific number of transactions per month, week or day would be allowed (see 0039).

- wherein the generated anonymous data includes an alias name that substitutes for the user's legal name.

Pseudo-random attributes include the consumer's name (see at least abstract; 0009; 0037). Please note: pseudo-random attribute serves the same function as an alias for the consumer's true identity.

Brody teaches all the above as noted under the 103(a) rejection and teaches protecting, but not limiting to: a consumer's name, credit card number, and shipping address for purchased goods delivery. Brody further teaches (see 0033):

"since the ATS may be a partner of a financial lending institution, the consumer may open a new credit card account with the partner of the ATS. Under this concept, the ATS and the partnering or affiliate bank would open a new credit account for a registered consumer using the ATS. A dynamic mapping of anonymous card attributes could be made to the new account. Using the mappings to the ATS/affiliate bank account would only require a credit payment transaction to traverse the system a single time, potentially reducing the cost of

Art Unit: 3625

processing the transaction for the ATS, bank, and consumer. This implementation may require more sophisticated relationships and hardware and/or software, due to the fact that the anonymous card attributes are not wholly maintained within the ATS, which is accessed by the bank (as in the previous embodiment), but rather maintained in a new account established by both the ATS and bank (or similar entity). This new account could be local or non-local to the bank or ATS, and as a result, increased costs may be incurred to maintain this embodiment."

Please note: distribution of anonymous data between the ATS and partner bank establishes two information brokers.

Although Brody does not disclose which anonymous card attributes are managed by the ATS affiliated bank, it would have been obvious to one of ordinary skill in the art at time the invention was made that the bank stored the anonymous credit card attributes pertaining to the consumer's credit card account, in order to facilitate only requiring a credit payment transaction to traverse the system a single time to potentially reduce transaction cost.

Although Brody does not disclose a third information broker, it would have been obvious to one of ordinary skill in the art at time the invention was made to ascertain anonymous card attributes could be distributed among multiple ATS business partners in the supply chain, in order to potentially reduce transaction cost. For example, merchants typically rely on a package delivery service or carrier to deliver the purchased goods, wherein the delivery service could manage the consumer's anonymous card attributes pertaining to shipping address.

Art Unit: 3625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
August 2, 2007